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- b. in response to detecting a degraded signal as a result of said monitoring, generating ATM cells indicative of the signal degrade to be transported to at least one adjacent node on said network.

23. (new) The method of claim 22, further comprising:

- c) in response to said ATM cells indicative of said signal degrade, receiving said traffic on said protection entity.

24. (new) The method of claim 22, further comprising:

- d) in response to said ATM cells indicative of said signal degrade, transmitting said traffic on said protection entity from a source network element.

25. (new) The method of claim 22, wherein said monitoring comprises calculating a bit-error-rate from SONET path overhead.

26. (new) The method of claim 25, wherein said calculating utilizes a parity check field within said SONET path overhead to determine said bit error rate.

REMARKS

Claims 1-26 are pending.

In the Office Action mailed November 1, 2002, the Examiner rejected claims 1-7, 10-15, 17, 19 and 20 under 35 USC 103 in view of US Patent No. 5,764,651 to Bullock et al. (hereinafter "Bullock"), and US Patent No. 5,831,970 to Arao (hereinafter "Arao"). The Examiner further rejected claims 8, 9, 16, 18, and 21 under 35 USC 103 in view of Bullock, Arao and US Patent No. 5,838,924 to Anderson et al. (hereinafter "Anderson").

In order to establish a *prima facie* case of obviousness the Examiner must establish 1) that all the elements are found in the art; 2) a motivation to modify or combine these elements to arrive at the claimed invention; and 3) a likelihood of success in combining or modifying.

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In the case at hand, the Examiner takes the position that Arao discloses a potential of transporting signal degrade information in ATM cells. Bullock on the other hand discloses monitoring a SONET system for signal degrades. However, neither bullock nor Arao disclose or suggest monitoring signal degrade at the physical layer of the network to detect signal degrade at the ATM layer in order to switch traffic from a working ATM entity to a protection ATM entity, as claimed in independent claims 1, 13, 19 and 20. As disclosed, monitoring signal degrade at the physical layer simplifies detection of the signal degrade at the ATM layer and thus allows for the fast detection of signal degrade conditions and reduces use of network resources. None of this is disclosed or suggested by Bullock or Arao. As such, neither of these references, alone, or in combination can render independent claims 1, 13, 19, or 20, nor claims dependent thereon as obvious. Withdrawal of the rejection of the claims 1 to 20 is therefore earnestly solicited.

Claim 21 has further been rejected as being obvious in view of Bullock, Arao and Anderson. Although Anderson discloses AIS cells on an ATM network, Anderson fails to disclose or suggest use of AIS cells to signal signal degrade. Instead, conventional ATM networks utilize performance monitoring flows in order to detect signal degrade on an ATM network. As such, conventional networks and the Andersen, present no need to further disseminate a signal degrade information using an AIS cells. As such, no combination of Anderson, Bullock or Arao discloses or suggests ATM/AIS cells as claimed in claim 21. Withdrawal of the rejection of claim 21 is therefore also earnestly solicited.

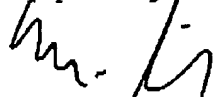
New claims 22 to 26 are presented for consideration by the Examiner. It is believed that these claims to are in condition for allowance. In view of the forgoing, favorable reconsideration, and allowance of the present application are earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the applicant's agent by telephone.

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No new matter has been added to this application by this amendment.

Respectfully submitted,



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